

REMARKS

With respect to the numbering of the pending claims, upon reviewing this file it is noted that the Second Preliminary Amendment filed on February 2, 2004 entered new claims 26-50 of which claims 26-28 were independent claims. The Applicant hereby reconfirms the election species I and claims 26 and 29-50 which are readable thereof for further prosecution. In view of the above clarification, no further renumbering of the claims is believed to be in order.

The above newly entered paragraph of the specification and amended Fig. 1 now diagrammatically show the features recited in the claims. The undersigned avers that the newly entered paragraphs of the specification and the entered drawing amendments do not contain any new subject matter.

The pending claims are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 26, 29, 32, 33, 35, 37-39, 42 and 47-49 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Nielsen '435. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

It is noted that the U.S. Patent No. 6,905,435, referred to as Nielson '435, only has a filing date of September 12, 2003 which is later than the earliest claimed priority date of the above identified application, namely, the January 21, 2003 claimed priority date based on German Application No. DE 103 02 023.3. In order to prefect the claim of priority with respect to all of the subject matter of the above identified application, enclosed is an English translation

of DE 103 02 023.3. Upon reviewing the same, the Examiner will note that the enclosed English translation of DE 103 02 023.3 is identical to the English specification currently on file in the above identified application. Accordingly, all of the claimed subject matter of the above identified application is entitled to the claimed priority date of January 21, 2003, which date predates the effective September 12, 2003 date of Nielson `435. In view of the forgoing, Nielson `435 is no longer effective prior art with respect to the above identified application and the raised rejection in view of Nielson `435 should be withdrawn at this time.

Claims 26, 29, 35-39 and 47-49 are then rejected, under 35 U.S.C. § 102, as being anticipated in view of Usoro et al. `752. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

With respect to the applied Usoro et al. `752 reference, although this reference resembles various aspects of the present invention, it is noted that the specifically disclosed and taught locations of the brakes and the clutches of Usoro et al. `752 are quite different from the presently claimed invention. According to Usoro et al. `752, two brakes 456, 458 and one clutch 454 are positioned or located between the first and the second planetary gear sets C1, C2 while the remaining two clutches 450, 452 are positioned or located between the second and the third planetary gear sets C2, C3. The presently claimed invention, on the other hand, specifically recites and requires all of the brakes and the clutches to be positioned or located between the first and the second planetary gear sets P1, P2.

In order to further distinguish the present invention from the applied art, the pending claims are amended emphasize the above noted distinctions. In particular, independent claim 26 now recites the features of ". . . the first and the second brakes (03, 04) and the first, the second and the third clutches (13, 16, 45) are all located between the first and the second planetary gearset assemblies (P1, P2)". Independent claims 27 and 28 now recite similar

limitations. Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Claims 30, 31, 41, 41, 43 and 44 are then rejected, under 35 U.S.C. § 103, as being unpatentable over Nielsen `435 and Usoro et al. `752 and either Garhavan et al. `976, Schmidt `757, Miyazaki et al. `178 and/or Sato et al. `292. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional references of Garhavan et al. `976, Schmidt `757, Miyazaki et al. `178 and/or Sato et al. `292 may arguable relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Nielsen `435 and Usoro et al. `752 with this additional art of Garhavan et al. `976, Schmidt `757, Miyazaki et al. `178 and/or Sato et al. `292 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention, namely, at least the first and the second brakes (03, 04) and at least the first and the second clutches (13, 16) are all located between the first and the second planetary gearset assemblies (P1, P2). As such, all of the raised rejections in view of the applied art should be withdrawn at this time in view of the above amendments and remarks.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Nielsen `435, Usoro et al. `752, Garhavan et al. `976, Schmidt `757, Miyazaki et al. `178 and/or Sato et al. `292 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field,

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the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Bujold', is written over the typed name and address.

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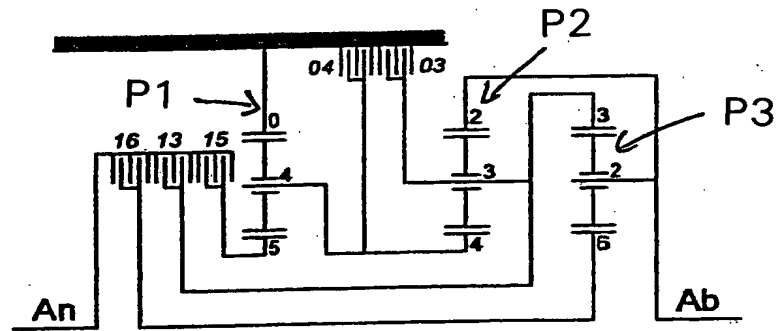
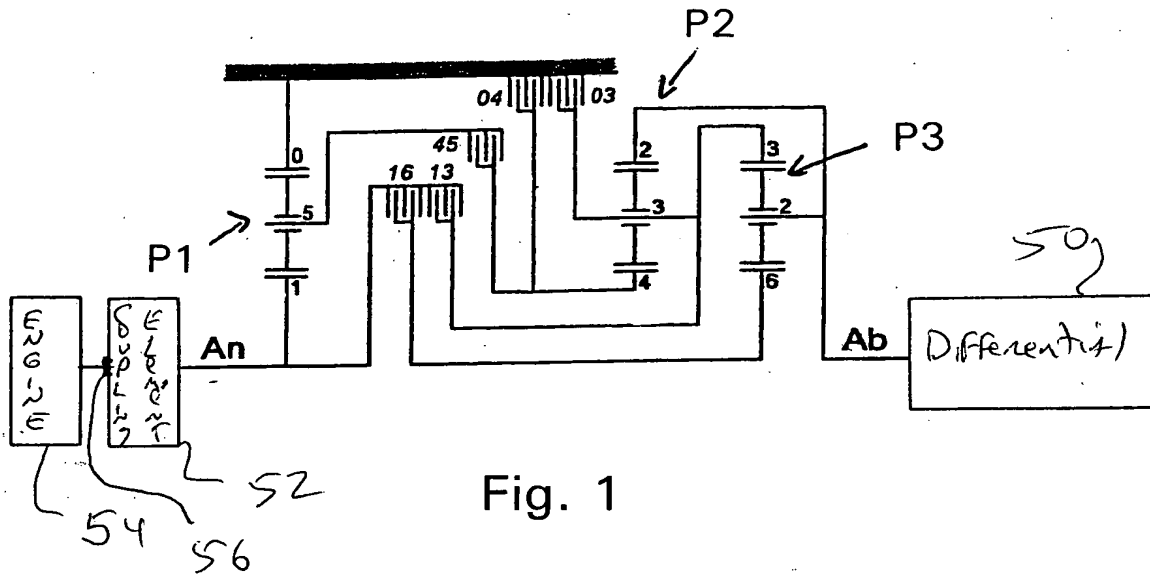
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